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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 6368/2018**

GYANVIR & ORS.

.... Petitioners

Through: Mr. Sumit Chaudhary & Ms.
Akansha Bansal, Advocates

versus

STATE & ORS.

.... Respondents

Through: Mr. Ashish Dutta, APP with SI
Ajay Singh, PS: Shahbad
Dairy, Delhi
Mr. Himanshu Jawa, Advocate
for respondent Nos.2 and 3

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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18.12.2018

CRL.M.A. 49717/2018

For the reasons stated therein, the delay in re-filing of the petition is condoned. Application is disposed of.

CRL.M.C. 6368/2018

1. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr. PC) for quashing of FIR No.349/2012, under Sections 308/323/341/506/34 of the Indian Penal Code, 1860 ('IPC'), registered at PS:Shahbad Dairy, Delhi and the subsequent proceedings emanating therefrom.

2. The petitioners and respondent Nos.2 to 3 and their respective counsels submitted that the parties have arrived at a settlement on their own free will, without any force, coercion or pressure vide Compromise Deed dated 30.10.2018. Learned counsel for the petitioners submitted that due to a minor neighbourly altercation *qua* the incident dated 30.9.2012 and implied imputation, cross-FIRs bearing Nos.348/2012 and 349/2012, both dated 2.10.2012 were registered by the parties against each other.

3. The parties present in Court assure that they shall not fight with each other in future and they may be given a chance to reform and the petition may be allowed and the FIR may be quashed.

4. The Investigating Officer ('IO') has identified the petitioners as well as the respondents and has also verified the Compromise arrived at between the parties. The IO stated that the parties have no criminal antecedents and the petitioners are living peacefully in the area and the respondents are no more living in the area.

5. In view of the aforesaid circumstances and the settlement arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No. 349/2012, under Sections 308/323/341/506/34 IPC, registered at PS:Shahbad Dairy, Delhi

and the subsequent proceedings emanating therefrom are quashed, subject to the petitioners depositing Rs. 5,000/- with the Delhi High Court Advocates' Welfare Fund within ten days. The petitioners shall also deposit Rs.5,000/- with Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within ten days and the receipts of the same be filed in the Registry of this Court within two weeks and copies of the said receipts shall also be handed over to the learned APP through the IO. In case the petitioners fail to deposit the aforesaid amount, the prosecution shall be entitled to move an application for passing appropriate orders.

6. Petition is disposed of in above terms

CHANDER SHEKHAR, J

DECEMBER 18, 2018

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